

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	CASE NO. 22-55399-BEM
	:	
ZAINAB MANSARAY,	:	CHAPTER 7
	:	
Debtor.	:	
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	:	
S. GREGORY HAYS, Chapter 7 Trustee,	:	
	:	
Objector/Movant,	:	
	:	
vs.	:	CONTESTED MATTER
	:	
ZAINAB MANSARAY,	:	
	:	
Respondent.	:	
	:	

**OBJECTION TO CLAIMED EXEMPTIONS**

COMES NOW S. Gregory Hays, Chapter 7 Trustee (the “**Trustee**”) for the bankruptcy estate of Zainab Mansaray (the “**Estate**”), and files this *Objection to Claimed Exemptions* (“**Objection**”), and respectfully shows:

**Jurisdiction and Venue**

1. This Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue is proper in this Court under 28 U.S.C. §§ 1408 and 1409.

**Background**

2. Debtor filed, *pro se*, a voluntary petition for relief under Chapter 7 of Title 11 of the United States Code on July 15, 2022 and initiated Case No. 22-55399-BEM (the “**Case**” or “**Bankruptcy Case**”).

3. Shortly thereafter, Trustee was appointed to the Case as interim Chapter 7 trustee, under 11 U.S.C. § 701(a)(1).

4. Trustee conducted and concluded the meeting of creditors under 11 U.S.C. § 341(a) on August 23, 2022.

### **Exemptions Claimed**

5. On her *Schedule A/B: Property* (“**Schedule A/B**”) [Doc. No. 1, page 22 of 58], Debtor scheduled her sole ownership interest in her residence, known commonly as 2485 Piering Drive, Lithonia, Georgia 30038 (the “**Property**”).

6. On her amended *Schedule C: The Property You Claim Exempt* (“**Schedule C**”) [Doc. No. 17-1, pages 2-3 of 10], Debtor scheduled total exemptions in the Property of \$32,500.00 under O.C.G.A. § 44-13-100(a)(1) (the “**Residence Exemption**”).

7. On her Schedule A/B [Doc. No. 1, page 28 of 58], Debtor scheduled 2021 tax refunds totaling \$4,750 (the “**Tax Refund**”).

8. On her Schedule C [Doc. No. 17-1, page 3 of 10], Debtor scheduled an exemption of \$4,500.00 in the Tax Refund under O.C.G.A. § 44-13-100(a)(6) (the “**Tax Refund Exemption**”).

9. Also on her Schedule A/B [Doc. No.1, page 26 of 58], Debtor scheduled total cash of \$450.00 (“**Cash**”) and a Georgia United Credit Union checking account with \$100.00 (“**Checking Funds**”).

10. And, on her Schedule C [Doc. No. 17-1, page 3 of 10], Debtor scheduled an exemption of \$450.00 in the Cash (the “**Cash Exemption**”) and of \$100.00 in the Checking Funds (the “**Checking Funds Exemption**”) under O.C.G.A. § 44-13-100(a)(6).

### **Trustee's Objections to Claimed Exemptions**

11. Under O.C.G.A. § 44-13-100(b), the State of Georgia has opted out of the federal exemption scheme and follows its own state-provided exemptions as set forth in O.C.G.A. § 44-13-100(a). O.C.G.A. § 44-13-100(b).

12. Under Rule 4003(b) of the Federal Rules of Bankruptcy Procedure, a Trustee and other parties have thirty (30) days from the conclusion of the Meeting of Creditors or within thirty (30) days after any amendment to the list or supplemental schedules is filed, whichever is later, to file any objection to exemptions (the “**Objection Period**”). Fed. R. Bankr. P. 4003.

13. This Objection is timely filed within the Objection Period.

14. Under O.C.G.A. § 44-13-100(a)(1), a debtor may exempt her aggregate interest, not to exceed \$21,500.00 in value, in real property that the debtor uses as a residence (the “**Homestead Exemption**”). O.C.G.A. § 44-13-100(a)(1).

15. Under O.C.G.A. § 44-13-100(a)(6), a debtor may exempt her aggregate interest, not to exceed \$1,200.00 in value plus any unused amount of Homestead Exemption (the “**Wild Card Exemption**”), in any asset. O.C.G.A. § 44-13-100(a)(6).

16. By claiming a \$32,500.00 exemption in the Property, Debtor has exceeded her allowed Homestead Exemption by \$11,000.00. The Residence Exemption is improperly claimed.

17. By claiming \$5,050.00 of exemptions using the Wild Card Exemption, Debtor has exceeded the allowed Wild Card Exemption by \$3,850.00. The Tax Refund Exemption, the Cash Exemption, and the Checking Funds Exemption are improperly claimed.

18. For the foregoing reasons, Trustee objects to the Residence Exemption, the Tax Refund Exemption, the Cash Exemption, and the Checking Funds Exemption, and Trustee requests that they be disallowed.

19. Trustee objects to any and all other exemptions claimed to the extent that they exceed the allowable exemptions under O.C.G.A. §44-13-100(a). Moreover, this Objection shall be a continuing objection in anticipation of any amendments that may or may not resolve this original Objection, without the need for filing new objections.

WHEREFORE, having filed this Objection, the Trustee prays that the Court sustain the Objection and that the Court grant Trustee such other and further relief as the Court deems just and proper.

Respectfully submitted this 21<sup>st</sup> day of September 2022.

ROUNTREE LEITMAN KLEIN & GEER, LLC  
*Attorneys for Trustee*

By: /s/ Michael J. Bargar  
Michael J. Bargar  
Georgia Bar No. 645709  
mbargar@rlkglaw.com

Century Plaza I  
2987 Clairmont Road, Suite 350  
Atlanta, Georgia 30329  
404-410-1220

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S. GREGORY HAYS, Chapter 7 Trustee,	:	
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vs.	:	CONTESTED MATTER
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ZAINAB MANSARAY,	:	
	:	
Respondent.	:	
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**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that S. Gregory Hays, the Chapter 7 Trustee (the “**Trustee**”), has filed an *Objection to Claimed Exemptions*.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold a hearing on the aforesaid *Objection to Claimed Exemptions* on October 25, 2022. The Court will hold an initial telephonic hearing for announcements on the *Objection to Claimed Exemptions* at the following number: 833-568-8864 US Toll-free Meeting ID: 160 862 0914 at 10:00 a.m. in Courtroom 1402, United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia.

Matters that need to be heard further by the Court may be heard by telephone, by video conference, or in person, either on the date set forth above or on some other day, all as determined by the Court in connection with this initial telephonic hearing. Please review the “Hearing Information” tab on the judge’s webpage, which can be found under the “Dial-in and Virtual Bankruptcy Hearing Information” link at the top of the webpage for this Court, [www.ganb.uscourts.gov](http://www.ganb.uscourts.gov) for more information

Your rights may be affected by the Court’s ruling on this pleading. You should read this pleading carefully and discuss it with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.). If you do not want the Court to grant the relief sought in this pleading or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written

response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two (2) business days before the hearing. The address of the Clerk's Office is: Suite 1340 Richard B. Russell Federal Building, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303. You must also mail a copy of your response to the counsel for the Trustee, Michael J. Bargar, Rountree Leitman Klein & Geer LLC, Century Plaza I, 2987 Clairmont Road, Suite 350, Atlanta, GA 30329.

Dated: September 21<sup>st</sup>, 2022.

ROUNTREE LEITMAN KLEIN & GEER, LLC  
*Attorneys for Trustee*

By: /s/ Michael J. Bargar  
Michael J. Bargar  
Georgia Bar No. 645709  
mbargar@rlkglaw.com

Century Plaza I  
2987 Clairmont Road, Suite 350  
Atlanta, Georgia 30329  
404-410-1220

### **CERTIFICATE OF SERVICE**

This is to certify that I have this day served the foregoing *Objection to Claimed Exemptions and Notice of Hearing* by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage affixed thereon to assure delivery to:

Office of the United States Trustee  
362 Richard B. Russell Building  
75 Ted Turner Drive, SW  
Atlanta, GA 30303

Zainab Mansaray  
2485 Piering Dr.  
Lithonia, GA 30038

This 21<sup>st</sup> day of September 2022.

/s/ Michael J. Bargar  
Michael J. Bargar